

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**CITY OF HUNTINGTON,**

**Plaintiff,**

**Civil Action No. 3:17-01362**

**v.**

**AMERISOURCEBERGEN DRUG  
CORPORATION, et. al,**

**Defendants.**

**AND**

**CABELL COUNTY COMMISSION,**

**Plaintiff,**

**Civil Action No. 3:17-01665**

**v.**

**AMERISOURCEBERGEN DRUG  
CORPORATION, et. al,**

**Defendants.**

**MEMORANDUM IN SUPPORT OF WEST VIRGINIA PUBLIC EMPLOYEES  
INSURANCE AGENCY'S RENEWED MOTION TO QUASH SUBPOENAS**

West Virginia Public Employees Insurance Agency (“PEIA”) files this Memorandum of Law in support of its Renewed Motion to Quash Subpoenas and states as follows:

1. Defendant McKesson Corporation issued two subpoenas to PEIA on March 17, 2020 seeking documents and deposition testimony.
2. On March 30, 2020, PEIA filed a motion and supporting memorandum to quash the subpoenas. ECF Documents 260 and 262.

3. On April 6, 2020, Defendant filed a response in opposition to PEIA's motion to quash. ECF Document 282.

4. On April 9, PEIA filed a reply to Defendant's response. ECF Document 304.

5. On April 17, 2020 a Status Conference was held by telephone with Special Master Wilkes, during which the parties agreed to continue their efforts to reach an agreement on narrowing the scope of the subpoenas.

6. The parties and counsel have engaged in multiple discussions to reach an agreement on narrowing the scope of the subpoenas. However, the parties and counsel have been unable to come to an agreement at this time, and PEIA filed its renewed motion to protect its interests.

7. Based on the points and authorities set forth in previously-filed briefs (ECF Document 262, West Virginia Public Employees Insurance Agency's Memorandum of Law in Support of Motion to Quash Subpoena; ECF Document 304, West Virginia Public Employees Insurance Agency's Reply to Defendants' Response in Opposition to Motion to Quash Subpoenas), PEIA maintains that the subpoenas: (1) are overly broad and burdensome, (2) seek statutorily-protected and confidential information, and (3) fail to provide a reasonable time to respond.

8. Based on the above, PEIA respectfully requests that its motion be granted. In the alternative, PEIA requests that the Court modify the subpoena in a manner that will allow a reasonable scope and time for compliance, and that the Defendants pay the costs associated therewith.

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DATED: May 15, 2020

**Respectfully submitted,**

**WEST VIRGINIA PUBLIC EMPLOYEES  
INSURANCE AGENCY**

**By Counsel,**

**PATRICK MORRISEY  
ATTORNEY GENERAL**

/s/ Andrew L. Ellis

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**CERTIFICATE OF SERVICE**

I, Andrew L. Ellis, Assistant Attorney General, do hereby certify that on May 15, 2020, the foregoing “*Memorandum In Support Of West Virginia Public Employees Insurance Agency’s Renewed Motion To Quash Subpoenas*” was electronically filed with the Clerk of the Court using the CM/ECF system which will send notification of such filing to parties and counsel of record.

/s/ Andrew L. Ellis

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